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Brian K. Jammer, *General Counsel*

The Texas Senate
 Committee on Criminal Justice

Kelly Gilbert, *Committee Clerk*

November 1, 2000

The Honorable Rick Perry
 Lieutenant Governor of the State of Texas
 Post Office Box 12068
 Austin, Texas 78711

Dear Governor Perry:

The Senate Committee on Criminal Justice is pleased to submit its final report on Interim Charge Five. The mandate of Charge Five has prompted the Committee to:

Review the statutory purpose of all adult and juvenile correctional facilities, whether state, locally or privately owned or operated, to recommend any needed changes in the statutory description or purpose. The review shall include facilities that are considered alternatives to incarceration or that are used for geriatric care. The Committee shall consider whether state jails are adequately managed, if adequate sanctions are available for confinees who fail to participate in programming or who cause disciplinary problems, and how to ensure effective rehabilitation programs in facilities.

In compliance with your request, a copy of this report will be circulated to all Senators and other interested parties.

Respectfully submitted,

Senator Ken Armbrister Chairman

Senator Robert Duncan
 Vice Chairman

Senator Mike Jackson

Senator Jane Nelson

Senator Florence Shapiro

Senator Royce West

Senator John Whitmire

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Tony Fabelo, Ph.D., *Executive Director, Criminal Justice Policy Council*

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INTRODUCTION

Periodically the criminal justice system must reevaluate the statutory purposes and practical applications of its correctional facilities. With the growing number of individuals being introduced into the criminal justice system, the state must ensure that it continues to meet the needs of this ever-changing population. With this in mind the Senate Committee on Criminal Justice, as instructed by the Lieutenant Governor, held an interim hearing to provide the opportunity for committee members to hear from the agencies that oversee the criminal justice system in Texas.

This hearing was held March 22, 2000 in Austin, Texas. The Committee received testimony from the Texas Department of Criminal Justice and Texas Youth Commission. Both agencies provided an overview of their facilities and structure. This report will present an overview of the agencies' presentations and look at facilities that are considered alternatives to incarceration. The report will also consider whether state jails have adequate sanctions to address confinees who fail to participate in programming or cause disciplinary problems.

BACKGROUND

In Texas we have seen an increase in both the juvenile and adult population in our jails and prisons. In the past decade the Texas prison system has grown from approximately 50,000 to over 160,000 offenders. This continued growth requires the criminal justice system to look for conventional solutions and consider new alternatives to providing bed space for the state's prison population.

The Committee will make recommendations that will assist in cost effective management of our growing prison population. The Committee will also make recommendations to address the management of our State Jail prison population and definitions of pre and post adjudication facilities.

ADULT CORRECTIONAL FACILITIES

The adult correctional system is run by the Texas Department of Criminal Justice (TDCJ) and is separated into several divisions: the institutional division, state jail division, parole division, and community justice assistance division. TDCJ has oversight for all 116 adult correctional facilities and operates functions related to all state correctional issues.

The Institutional Division is charged to provide safe and appropriate confinement, supervision, rehabilitation and reintegration of adult felons, and to effectively manage and administer correctional facilities based on constitutional and statutory standards. The Institutional Division also operates transfer facilities and utilizes State Jails and contract transfer facilities to house offenders awaiting transfer to prison. Additionally, the division contracts with private prisons to house offenders.

The Parole Division supervises offenders released from prison who are serving out their sentences in Texas communities. The division also performs some pre-release functions by investigating the parole plans proposed by inmates and by tracking parole eligible cases and submitting them for timely consideration by the Board of Pardons and Paroles. In addition, the Parole Division supervises inmates in two pre-release programs--the Pre-Parole Transfer Program and the Work Program. These offenders remain in secure facilities, but are able to participate in special programs.

The Community Justice Assistance Division (CJAD) is the evolution of probation in the Texas criminal justice system. Probation in Texas began in 1913 as a locally managed and locally funded program. In 1977 the Legislature first established state funding for local probation departments by creating the Texas Adult Probation Commission to distribute state funding and establish uniform standards for the use of these funds. In 1989, through the criminal justice consolidation that created the Texas Department of Criminal Justice (TDCJ), the Adult Probation Commission became the Community Justice Assistance Division (CJAD) of TDCJ. In 1993, the Legislature replaced the term probation with the more descriptive term community supervision. Probation departments became known as Community Supervision and Corrections Departments (CSCDs), and probation officers became community supervision officers.

The State Jail Division, which was created in 1993, provides community-oriented, cost-effective incarceration and rehabilitation for offenders who commit low-level, non-violent property and drug offenses. Overseeing seventeen state jail facilities and eight substance abuse felony punishment facilities located throughout the state, the division provides offenders with a structured environment in which to receive programming designed to meet their needs and risks. The mission of the State Jail Division is to enrich the quality of life for all Texans by providing a safe, secure, and structured environment, which promotes opportunities for the successful reintegration of state jail and substance abuse felons into their community.

INSTITUTIONAL DIVISION

At the time of the TDCJ consolidation in 1989, the former Texas Department of Corrections became the TDCJ Institutional Division (TDCJ-ID). Today, TDCJ-ID oversees the operations of the department's prisons and medical facilities. TDCJ-ID also oversees the operations of the state's transfer facilities.

The director of TDCJ-ID separates duties between two deputy directors (Security and Support Services). A hierarchy of correctional officers, sergeants, lieutenants, captains, majors, assistant wardens, wardens and regional directors report to the deputy director for security. The deputy director for support services administers Classification and Records, Laundry and Food Service, Community Liaison, ID-Victim Services and Correctional Training.

The types of facilities operated by TDCJ-ID vary in age, design and type of offender housed. Portions of some of the oldest prison facilities date back to the late 1800s, while the most modern facilities were completed during fiscal year 2000. Depending on classification of offenders, the design of the facility will reflect either dormitory-type housing or general-cell construction. Units are constructed and operated in a manner to ensure the safety of staff, offenders, and the public.

Institutional Division Facility Summary

Older non-prototype facilities (System I, pre-1985 crowding stipulation)

- 25 facilities, some more than 100 years old.
- Range from maximum-security to minimum-security housing.
- Extensive prison industry and agricultural operations.
- Largely concentrated in East Texas.

Prototypes (System II, post-1985 crowding stipulation)

Michaels prototypes

These facilities are designed to house maximum security offenders with designated administrative segregation housing. There are 10 Michaels maximum-security prototypes each consisting of:

- 504 single cells for administrative segregation inmates.
- Remainder designed as two-person cells for other custody levels.
- 600 – 668 bed dormitory added at each facility in mid 1990s.
- Administrative safekeeping population housed at these facilities.

Hobby Prototypes

These facilities are designed to house minimum and medium security offenders. There are 15 Hobby minimum/medium security prototypes each consisting of:

- Capacity for slightly more than 1,000 inmates in two-person cells.
- 316 - 334 bed dormitory added at each facility in mid 1990s.

- Houses minimum and medium-security inmates.

Rounding out the ID Facility Summary are beds in boot camps, pre-release centers, private prisons, transfer facilities, substance abuse facilities, psychiatric facilities, the mentally retarded offender program, contract facilities and state jails (transfer beds). As of July 2000, the total system-wide capacity was just over 154,000 beds.

With the increase in demand for more ID bed space TDCJ is looking at options beyond the current leasing of bed space with the counties. Preliminary numbers indicate a significant shortfall of necessary bed space in the next few years, and possibly the need to once again embark on a prison building program. The legislature and TDCJ will look for ways to provide the needed space at the least possible cost to the taxpayers.

PAROLE DIVISION

The Parole Division (TDCJ-PD) is responsible for pre-release planning and supervising in the community those offenders released on parole and mandatory supervision. While parole means releasing an inmate from prison before the end of a sentence, it is not a reduction of sentence or a pardon. To be eligible for parole, inmates must serve a designated portion of their sentence, at which time the Board of Pardons and Paroles decides which inmates to release on parole to complete their terms under Board-imposed conditions.

The mission of the Parole Division is to enhance public safety by successfully reintegrating offenders using supervision, treatment programs, residential facilities and community resources. The division also performs pre-release functions such as investigating parole plans and submitting parole-eligible cases for consideration by the Board of Pardons and Paroles.

Review and Release Processing

Review and Release Processing identifies offenders eligible for parole and mandatory supervision to coordinate the parole and discretionary mandatory supervision release processes and complete pre-release functions.

Institutional Parole Officers (IPOs) gather pertinent data for each offender considered for parole or discretionary mandatory supervision release. A case summary is completed which includes the offender's criminal history, prior alcohol and drug use, and social, psychological and institutional adjustment. The Board of Pardons and Paroles uses this report to make parole decisions.

Case Tracking and Analysis staff ensures the appropriate processing of all cases set for release, including those requiring imposition of special conditions referrals for other actions by the Board of Pardons and Paroles. One of their major responsibilities is to carry out the initial screening and referral of potential Super-Intensive Supervision Program participants. The staff also coordinates release plan investigations, ensures

that notification of each potential release is provided to trial officials and police chiefs and verifies that the release meets all applicable laws and Board of Pardons and Paroles policies.

Field and Support Services

All releasee's must report to parole officers and abide by established conditions of release. Violations of release conditions could result in arrest and re-incarceration. The division also supervises parolees transferred into Texas from other jurisdictions.

Field personnel are responsible for monitoring a releasee's compliance with the conditions of release and laws of society. Parole officers also investigate release plans prior to release, assess and classify offenders after release, and develop supervision plans based on a releasee's needs.

Parole officers promote offender compliance with conditions of release through the use of graduated sanctions and motivational programs. They strive to enhance successful offender reintegration through services impacting the factors that contribute to recidivism. Additionally, field staff initiates intervention procedures when necessary and works with the Board of Pardons and Paroles in processing violations of release. This section also performs support functions such as death verification, detainer monitoring, discharge processing, restitution assessment, and coordination of the volunteer programs.

Parole Division Facility Summary

Pre-Parole Transfer

- Contracts at two facilities for 2,300 beds.
- Provide vocational, life skills and substance abuse education in a secure environment.
- Pursuant to Subchapter A, Chapter 499 of the Government Code, inmates within one year of their scheduled release date are eligible for PPT placement.

Halfway House

Facilities that provide residential placement and programming for inmates released to parole and mandatory supervision. There are currently ten contracts for about 740 beds in ten facilities (508.118 Government Code).

Intermediate Sanction

Intermediate Sanction facilities (ISF) provide temporary incarceration for offenders who have violated the terms and conditions of their parole release. There are currently five contracts for more than 1,600 ISF beds in five facilities.

Multi-use

Multi-use facilities serve a variety of functions, including ISF and substance abuse treatment, but their primary purpose is to house offenders who require residential placement in a more secure environment than a traditional halfway house.

TDCJ has two contracts for approximately 440 multi-use beds in two separate facilities.

Work Program

The Lockhart Work Program facility is certified under the federal Prison Industries Enhancement program. There are two on-site private sector industries that employed an average of 220 offenders in FY 1999. Offender wages are allocated toward payroll taxes, restitution, compensation for crime victims, dependant support, room & board, supervision fees and savings.

County Jail Work Release Program

Contracts with seven counties (90 beds) provide another alternative residential placement for offenders in areas lacking halfway house facilities.

FACILITY RECOMMENDATIONS

The committee recommends looking into the feasibility of expanding the number of Intermediate Sanction Facility (ISF) beds. TDCJ is directed to consider construction of a state constructed and operated multi-use facility with an ISF component, as well as expanding the use of vacant ISF beds in existing facilities. Due to the growing numbers and high cost of housing elderly inmates, the Committee recommends TDCJ look into the feasibility of constructing a trusty camp for elderly offenders.

COMMUNITY JUSTICE ASSISTANCE DIVISION

The Community Justice Assistance Division (CJAD) administers adult community supervision in Texas. Although not working directly with those individuals on community supervision, CJAD distributes state aid to local Community Supervision and Corrections Departments (CSCD) that ensures services are provided in accordance with community justice plans. Texas has 122 CSCDs responsible for all 254 counties.

On average, 65 percent of a CSCD's operating budget is state funded and allocated by CJAD. Other funds, such as court-ordered fees, meet their remaining budgetary needs. County governments provide office space and equipment to assist CSCDs. Core CSCD services, as well as minimum standards, are developed by CJAD and must be approved by the Texas Board of Criminal Justice, as mandated by the Texas Code of Criminal Procedure. CJAD tracks and evaluates CSCD programs and monitors and reviews their budgets. In addition to administrative and technical assistance, CJAD trains and certifies Texas community supervision officers.

CSCDs apply for funds by submitting a community justice plan outlining current and proposed programs and services. The Community Justice Council and the district judge or judges that oversee the CSCD approve the plan as mandated by the Texas Legislature. Funds are distributed based on formulas for basic supervision and community corrections funding. For diversion and treatment alternatives to incarceration programs, funding is based on how well the program will meet offenders'

needs and in consideration of other financial resources available to the CSCD.

Basic supervision funds cover general operational costs of community supervision of offenders and are based on the number of felons supervised and misdemeanants placed. Community corrections program funds apply to supervision programs and are based on the ratio of felons placed directly on supervision and the county population in the CSCD's jurisdiction. Diversion program grants are awarded to select CSCDs for literacy, substance abuse and other programs that are alternatives to incarceration. Treatment alternatives to incarceration program grants are awarded to select CSCDs for substance abuse screening, assessment, referral and treatment.

Role of the CSCDs

CSCDs supervise and rehabilitate offenders sentenced to community supervision by the local courts. Community supervision officers assess each offender's risk level and design a supervision plan that includes court-ordered conditions. Some offenders are temporarily confined to residential facilities while others must report to their probation officers at intervals determined by the courts. Supervisory and rehabilitative methods include urinalysis, electronic monitoring, supervision levels, restitution centers, boot camps, continuing education, job and life skills training, and substance abuse treatment. Most CSCDs offer at least a basic level of services to victims, while some employ a full-time victim's coordinator.

Facility Summary

Although not state facilities, it is important to recognize that, as of May 2000, there were 39 community corrections facilities in the state for a total of nearly 3,400 beds. Six of the facilities are combination facilities that have different types of beds and are listed in each of those categories below. These facilities are administered by local CSCDs and provide an important alternative to incarceration for sentencing judges.

- Court Residential Treatment Centers (CRTCs): eight facilities, 612 beds. CRTCs provide offenders with substance abuse treatment, educational, vocational and life skills training. Many CRTCs include employment during the final phase of the program. Some facilities also provide treatment and services for offenders with mental deficiencies or emotional/family problems.
- Substance Abuse Treatment Facilities (SATFs): ten SATFs, 950 beds. SATFs are designed specifically to provide substance abuse treatment. SATFs may also include educational and vocational skills and 24-hour supervision.
- Restitution Centers (RCs): 15 RCs, 762 beds. RCs target offenders who have had problems maintaining employment and paying court ordered obligations and do not indicate serious substance abuse problems. Programming provided in RCs usually includes Community Supervision Restitution (CSR), education and life skills training.

- Local Boot Camps (LBCs): three facilities, 600 beds. LBCs are highly structured residential punishment programs modeled after military basic training. They are typically designed for the young, first time offender. Other services typically provided include education, life skills, substance abuse education, and CSR.
- Intermediate Sanctions Facilities (ISFs): nine facilities, 448 beds. ISFs are used as intermediate sanctions for supervision violators in an effort to give the courts an incarceration option other than revocation. Programming provided in ISFs usually includes CSR, education and life skills.

STATE JAIL DIVISION

In 1993, Texas reformed its sentencing laws to divert lower level drug and property offenders from prison. This was done by the creation of a new felony category called State Jail Felony, provided in the statute that follows:

§ 12.35. State Jail Felony Punishment

- (a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.*
- (b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.*
- (c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:*
 - (1) a deadly weapon as defined by Section 1.07 was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or*
 - (2) the individual has previously been finally convicted of any felony:*
 - (A) listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or*
 - (B) for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.*

The goals of the state jail system are to divert non-violent offenders from our overcrowded prisons, provide a cost-effective alternative to the prison system, and fill a gap in the "community continuum." State jails today are used to divert a significant number of offenders who otherwise may have been sentenced to prison.

Rehabilitation programming is meant to be the cornerstone of the state jail system. Each basic program includes educational and vocational training and has been expanded to include a modified therapeutic community program to help meet offender substance abuse needs. The programs are split into four components:

- Education
 - Life Skills
 - Academics
 - Vocational
- Substance Abuse Treatment
 - Addiction and Recovery Education
 - Modified Therapeutic Community
- Community Service/ Work Programs
 - State jail offenders participate in community service projects developed to match the needs of the community with the skills and services at each facility. Nearly all minimum-out offenders are involved in community services that benefit non-profit agencies or public property.
- Spiritual Programs

State Jail Division Facility Summary

State Operated

- 12 facilities – 17,520 beds.
- Includes 2 women’s facilities – 3,044 beds.

Privately Operated

- 5 facilities – 6,801 beds.
- Includes 1 co-gender facility – Dawson State Jail.

Rehabilitation Challenges

State Jails provide programmatic activities for inmates and offer educational, vocational, and substance abuse programs as well as community service projects to inmates.

State jail felons are required to attend six hours of programmatic activity daily. These Individual Treatment Plans (ITPs) are developed within ten days of a confinee’s entry into the state jail system. There have been reports of a lack of participation in programs by some inmates. Due to the nature of the state jail sentence, requiring a day for day time served schedule, there is little the administration can do to compel participation in programming.

Participation in state jail programming has been a source of consternation for jail administrators. State jail felons are sentenced to serve their time on a day for day basis. They do not receive credit for good time and thus cannot have any good time taken away. This creates an environment where state jail felons have little incentive to

actively participate in programming. The fact that sentences are relatively short makes participation in programming critical. The lack of incentive common in institutional division units makes it hard for administrators to encourage participation.

Direct Sentencing

Since 1998, the majority of offenders in state jails have been admitted on direct sentences. Direct sentencing is the process by which a judge sentences the offender directly to a state jail for a determined amount of time. Direct sentencing of first time felons convicted of a state jail felony has been an option for judges since 1997. Prior to that date, mandatory probation supervision was required for first time offenders. Offenders sentenced to state jails have a relatively low percentage of previous incarceration (30%).

Increase in direct sentencing has been attributed to several factors. Direct sentencing allows judges to impose a longer sentence (within the state jail limit) without the possibility of early release and allows the state jail system to function more efficiently. With direct sentences state jail administrators know how long they will have particular offenders and can better tailor a program to suit their individual needs. Finally, pre-determined lengths of stay help administrators plan for capacity issues that allow the state jail system to effectively provide a less expensive alternative to prison for certain lower risk offenders.

State jails, by housing offenders at a cheaper operational cost than prisons, save Texas \$70 million in incarceration costs every year. The system also provides additional capacity to house inmates awaiting transfer to prison. Transfer inmates are non-violent, non-sex offenders who can serve up to two years of their prison sentences in state jails.

State jail administrators need the ability to compel inmates to participate in the programming that is a vital component to the rehabilitative process. Changes in structure and length of sentences would substantially alter the use of bed space and incarceration costs. Since 1998, the majority of offenders in state jails have been admitted on direct sentences. Direct sentencing is preferred by both judges and offenders. With direct sentencing the chance for reincarceration is limited because the entire sentence is completed and there is no additional supervision or duty to the court. Prior to the increase in direct sentencing, mandatory probation supervision was required for first time offenders.

SANCTIONS FOR NON-PARTICIPATION RECOMMENDATIONS

Additional restitution requirements and more judicial discretion to allow for post release supervision placed on those offenders that fail to successfully complete programming would be a strong incentive for offenders to complete the programs. Sentencing discretion could be enhanced by allowing additional restitution requirements to the court costs for not successfully completing the state financed jail programming. This penalty would allow the judge to impose an additional fee during sentencing that in no

way alters the current structure of the formula used to determine court costs and fees. It would simply be a fee added on a contingency basis and determined by the cost of providing the jail programs that were not utilized during incarceration. The pre-determined (TDCJ) fee would be added to the courts costs and would only require payment in the event that, upon completion of a state jail sentence, the offender had not successfully completed the treatment program provided by the state jail facility.

Another option that would give offenders an incentive to participate in programming would be a move to more up-front time assigned by the courts. (Up-front time is a type of sentencing that allows a judge to set a term of initial incarceration with additional time left on the back end of a sentence for discretionary supervision.) Up-front time would still allow judges the same discretion. However, during sentencing the court could require, as a stipulation of sentencing, that an offender successfully complete state jail programming or have a term of post-sentence confinement. By sentencing up-front time a judge could leave a certain amount of time on the back end of a sentence that could be used to require additional supervision in the event that an offender did not successfully complete state jail programming. This policy would simply allow the judges more discretion and give the state jail administrators the ability to compel offenders to participate in programming.

TEXAS YOUTH COMMISSION

The Texas Youth Commission (TYC) is the state's juvenile corrections agency, which works to rehabilitate Texas' most serious and chronic juvenile offenders. These offenders are sent to TYC for criminal-type acts committed from the ages of ten through 16. TYC can maintain jurisdiction until the offender's 21st birthday. The agency strives to balance public protection with rehabilitation. Most offenders are sent to one of fifteen TYC institutions where they must complete a minimum period of confinement that is determined by the severity of their crimes. In addition, they must make demonstrated progress in rehabilitation and education programs before earning parole.

TYC Facilities

The Texas Youth Commission has 15 secure facilities. Youth first are sent to the Marlin Orientation & Assessment Unit in Marlin for initial processing. TYC also operates two facilities in Brownwood, and facilities in Corsicana, Crockett, Edinburg, Gainesville, Giddings, Bryan, Beaumont, Mart, San Saba, Sheffield, Vernon and Pyote.

The agency has nine halfway houses that are used as a transition from confinement to community parole. Halfway houses are located in San Antonio, McAllen, Dallas, Harlingen, Roanoke, El Paso, Austin, Fort Worth and Corpus Christi. Approximately

twenty percent of TYC offenders are sent to private or county-run residential contract programs.

Statutory Authority

Statutory authority for the operation of TYC comes from both the Family Code and the Human Resources Code.

(TYC Mission)

- Protection

To protect the public and control the commission of unlawful acts by youth committed to the agency by confining them under conditions that emphasize their positive development, accountability for their conduct and discipline training. (Family Code, Section 51.01(1), (2) and (4) and Human Resources Code, Section 61.101(c));

- Productivity

To habilitate youth committed to the agency to become productive and responsible citizens through education and productive work. (Human Resources Code, Section 61.034(b));

- Rehabilitation

To rehabilitate and re-establish in society youth committed to the agency through a competency-based program of Resocialization (Human Resources Code, Section 61.002, 61.047, 61.071 and 61.072); and

- Prevention

To study problems of juvenile delinquency, focus public attention on special solutions for problems, and assist in developing, strengthening, and coordinating programs aimed at preventing delinquency. (Human Resources Code, Sections 61.031 and 61.036).

Since 1995, TYC has included the concept of punishment and accountability. That year, "The concept of punishment for criminal acts" was added to the Juvenile Justice Code's first section on purpose and interpretation. Also added was an emphasis on, "the accountability and responsibility of the parents and the child for the child's conduct."

A Snapshot of TYC Youth

TYC has developed its own correctional therapy program, called Resocialization.

During their confinement, TYC offenders go through regimented 16-hour-days of work, discipline training, correctional therapy and school.

- 90% male.
- 10% female.
- 42% Hispanic.
- 33% African-American.
- Median age at intake is 16.
- Median reading & achievement level - 5th grade. (5 years behind)

- 77% have IQs below the mean of 100.
- 48% are chemically dependent, and even more have abused drugs.
- 40% are severely emotionally disturbed.
- Approximately 40% enrolled in special education courses
- Vast majority have been abused or neglected.
- Many have family members with histories of criminal behavior.
- More than half were in prior placements through juvenile probation departments.

Youth are now required to participate in structured 40-hour weeks composed of community service, employment and/or school attendance, and treatment. The Parole Program now is an extension of the TYC Institutional Resocialization treatment program. The model allows a greater response to parole violations and provides for improved documentation, tracking, and reporting of these violations.

TYC Parole

TYC has implemented a parole program that requires enhanced accountability on the part of parolees for rehabilitation and constructive activity. At each facility, committees composed of administrators, teachers, and treatment professionals review the progress of each youth and decide when they can be paroled.

Parole can be revoked for failure to comply with constructive activity requirements,

including community service. Youth at first are placed on intensive surveillance. As they meet their requirements, they achieve a less restrictive level of surveillance. Parolees who fail to meet the conditions of their parole plans can receive sanctions, including a return to secure confinement. Sanctions are levied through a special legal proceeding.

All Violent Type A Offenders remain in the parole program until the age of 21. To complete parole, youth must meet the minimum institutional length of stay, objectives of their individualized case plan and complete 40-hour constructive activity weeks. They also must complete the required community service hours, progress to minimal surveillance, complete a success plan, and develop an effective, attainable discharge plan.

TYC Recidivism Rates

The Texas Youth Commission has demonstrated steady improvement in youth success rates after their release from confinement.

- The one-year rearrest rate for a violent offense improved by 50 percent in the last four years. Less than 9 percent of youth are rearrested for a violent offense in a year from release.
- The one-year reincarceration rate for any offense improved from 52.8% in 1995 to 50.1% in 1999.

- The one-year rearrest rate for any offense decreased from 55.5% in 1995 to 48.9% in 1997, then rose to 54.7% in 1999. The agency's aggressive enforcement of technical parole violations, such as failure to report to a parole office, contributes to the increased arrest rate.

Contract Care Facilities

TYC contracts with approximately 50 providers for a wide range of services for more than 1,300 offenders (as of FY99). Some of the types of programs, located across Texas, are:

- Secure Institutions
- Residential Treatment Centers
- Emergency Shelters
- Intermediate Sanctions Beds
- Family-Based Residential Care

These residential contract care programs include:

- A 32-bed program for offenders with mental retardation;
- A 200-bed sanctions/reorientation program for TYC youth whose parole is revoked;
- Several programs for emotionally disturbed youth;
- Secure county-run juvenile facilities with available beds;
- Programs for females with identified specialized needs, for example, pregnant girls that require medical attention, problematic girls that are not only emotionally disturbed but exhibit aggressive behavior; and

- A program that partners with the U.S. Forest Service in which youth work in the national forest to remove brush, build observation peers, and clear hiking trails.

Many of the providers use the Texas Youth Commission's Resocialization rehabilitation program. TYC maintains high standards for all programs, and has a formal monitoring system for ensuring program compliance and effectiveness.

TYC Growth

The offender population in custody has doubled the last five years to almost 5,900. The average length of stay for offenders has increased from nine months to more than twelve months. TYC's ability to hold offenders accountable for their crimes is possible because the state has provided a significant increase in beds. Since 1995 TYC has added 2,460 state-operated beds - a 131% increase in state-operated beds.

The Criminal Justice Policy Council projects that the TYC population will increase in coming years, but just slightly, to about 6,120 youth in custody in the year 2005. TYC should have enough beds to meet these population demands, and the agency should be able to cease most construction by 2003.

A slowing growth pattern will allow the agency to focus more on some troubling trends including a growing population of youth with severe mental disturbance, significant educational deficiencies, and a growing population of aggressive and assaultive youth.

Texas Juvenile Probation Commission

In 1981, the Legislature created the Texas Juvenile Probation Commission (TJPC) to serve the growing population of juveniles being sent into the adult criminal justice system. Prior to its inception, juvenile justice services were very limited throughout the state. There were more counties without juvenile probation services than with juvenile detention centers.

The TJPC was charged with making probation services available, improving the effectiveness of juvenile probation services, providing alternatives to commitment of juveniles into the Texas Youth Commission, establishing uniform probation administration standards, and improving communication among state and local entities within the juvenile justice system.

Due to the increase in the number of juveniles in the criminal justice system, and the goal of providing more resources for rehabilitation and supervision, the committee proposes certain changes to the statutory definitions of pre and post adjudication facilities. With the number of juvenile offenders on the rise, the need for more flexible sentencing structure has become critical. In an effort to make best use of available resources as well as provide more sentencing discretion, the committee, working with TJPC, has come up with amended statutory language to allow more flexible placement of juvenile offenders in pre and post adjudication facilities.

PRE AND POST ADJUDICATION FACILITY RECOMMENDATIONS

The following recommendations will allow more flexibility, giving judges the ability to take advantage of innovative sentencing such as "shock" probation and other actions that may aid in the rehabilitation process for juveniles; conform with language in the TJPC enabling legislation in the Human Resources Code § 141.042 and Family Code § 51.12 dealing with certification facilities; spell out circumstances under which a juvenile may be detained in pre-adjudication secure detention facility as a condition of probation; and, clarify language to prevent juveniles from being ordered into post-adjudication secure correctional facilities prior to being adjudicated for alleged criminal violations.

Proposed Changes to Statutes: Adjudication Facilities

Family Code

§ 51.02. Definitions

(13) "Post-adjudication secure correctional facility" means any public or private residential facility, including an alcohol or other drug treatment facility, that:

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in the facility; and

(B) is used for the placement of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense.

(14) "Pre-adjudication secure detention facility" means any public or private residential facility that:

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in the facility; and

(B) is used for the temporary placement of

(1) any juvenile who is accused of having committed an offense, or who is accused of violating a condition of parole from the Texas Youth Commission;

(2) any nonoffender, or any other individual accused of having committed a criminal offense.

(3) any juvenile who has been adjudicated as having committed an offense and is awaiting transport to a residential placement facility or the Texas Youth Commission; or

(4) any juvenile who has been adjudicated as having committed an offense and is court-ordered into the facility as a condition of probation.

Family Code

§ 54.0407

Sec. 54.0407. Child Placed in County Detention Facility as Condition of Probation.

(a) If a court or jury makes a disposition under Section 54.04(d)(1) in which a child is placed on probation, the court may, as a condition of the probation, place the child for not more than 15 days in a certified pre-adjudication secure detention facility operated by or under contract with the county in which the disposition is made. The court may place the child in a pre-adjudication secure detention facility at the time the court makes the disposition placing the child on probation or at any

time during the period of probation in an order to modify the disposition under Section 54.05.

(b) A court may place a child in a certified pre-adjudication juvenile detention facility as provided by Subsection (a) more than once during the same period of probation, except that the total amount of time that the child is placed in a detention facility as a condition of probation may not exceed 15 days.

(c) A court may place a child in a certified pre-adjudication secure detention facility as provided by Subsection (a) for up to 60 days if the child is awaiting transport to a residential placement facility.

Family Code

§ 53.02. Release from Detention

(a) If a child is brought before the court or delivered to a detention facility as authorized by Sections 51.12(a)(3) and (4), the intake or other authorized officer of the court shall immediately make an investigation and shall release the child unless it appears that his detention is warranted under Subsection (b). The release may be conditioned upon requirements reasonably necessary to insure the child's appearance at later proceedings, but the conditions of the release must be in writing and filed with the office or official designated by the court and a copy furnished to the child. The conditions of release may not require the confinement of the child in

a post-adjudication secure correctional facility.

Family Code

§ 54.01. Detention Hearing

(f) Unless otherwise agreed in the memorandum of understanding under > Section 37.011, Education Code, a release may be conditioned on requirements reasonably necessary to insure the child's appearance at later proceedings, but the conditions of the release must be in writing and a copy furnished to the child. The conditions of release may not require the confinement of the child in a post-adjudication secure correctional facility. In a county with a population greater than 125,000, if a child being released under this section is expelled under > Section 37.007, Education Code, the release shall be conditioned on the child's attending a juvenile justice alternative education program pending a deferred prosecution or formal court disposition of the child's case.

As the legislature prepares to focus on the criminal justice issues that face the 77th Legislature, correctional facilities will be a top priority. Both adult and juvenile capacity issues will drive much of the debate and policy considerations as Texas prepares to maintain its strong focus on issues of public safety and fiscal responsibility in the criminal justice system.

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Vernon's Texas Statutes and Codes Annotated, Penal Code, Sec. 12.35.

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Vernon's Texas Statutes and Codes Annotated, Family Code, Sec. 53.02 (a).

Vernon's Texas Statutes and Codes Annotated, Family Code, Sec. 54.01 (f).

APPENDIX: A

Table of Contents

Unit Name	Unit Code	Operator	TDCJ Division	Pop. Gender	Facility Type	TDCJ-ID Region	County	Page
ALLRED	JA	TDCJ	ID	Male	Prison	V	Wichita	1
BARTLETT	BL	CCA	SJD	Male	Private State Jail	N/A	Williamson	2
BATEN	NJ	TDCJ	ID	Male	ISF	V	Gray	3
BETO	B	TDCJ	ID	Male	Prison	II	Anderson	4
BOYD	BY	TDCJ	ID	Male	Prison	II	Freestone	5
BRADSHAW	BH	MTC	SJD	Male	Private State Jail	N/A	Rusk	6
BRIDGEPORT	BR	WCC	ID	Male	Private Prison	N/A	Wise	7
BRISCOE	DB	TDCJ	ID	Male	Prison	IV	Frio	8
BYRD	DU	TDCJ	ID	Male	Prison	I	Walker	9
CENTRAL	C	TDCJ	ID	Male	Prison	III	Fort Bend	10
CLEMENS	CN	TDCJ	ID	Male	Prison	III	Brazoria	11
CLEMENTS	BC	TDCJ	ID	Male	Prison	V	Potter	12
CLEVELAND	CV	WCC	ID	Male	Private Prison	N/A	Liberty	13
COFFIELD	CO	TDCJ	ID	Male	Prison	II	Anderson	14
COLE	CL	TDCJ	SJD	Male	State Jail	N/A	Fannin	15
CONNALLY	CY	TDCJ	ID	Male	Prison	IV	Karnes	16
COTULLA	N4	TDCJ	ID	Male	Transfer Facility	IV	LaSalle	17
DALHART	DH	TDCJ	ID	Male	Prison	V	Hartley	18
DANIEL	DL	TDCJ	ID	Male	Prison	V	Scurry	19
DARRINGTON	DA	TDCJ	ID	Male	Prison	III	Brazoria	20
DAWSON	JD	MTC	SJD	Co-Gen	Private State Jail	N/A	Dallas	21
DIBOLL	DO	MTC	ID	Male	Private Prison	N/A	Angelina	22
DOMINGUEZ	BX	TDCJ	SJD	Male	State Jail	N/A	Bexar	23
DUNCAN	N6	TDCJ	ID	Male	Transfer Facility	I	Angelina	24
EASTHAM	EA	TDCJ	ID	Male	Prison	I	Houston	25
ELLIS	E	TDCJ	ID	Male	Prison	I	Walker	26
ESTELLE	E2	TDCJ	ID	Male	Prison	I	Walker	27
ESTES	VS	CCA	ID	Male	Private Prison	N/A	Johnson	28
FERGUSON	FE	TDCJ	ID	Male	Prison	I	Madison	29
FORMBY	FB	TDCJ	SJD	Male	State Jail	N/A	Hale	30
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GARZA EAST	NI	TDCJ	ID	Male	Transfer Facility	IV	Bee	32
GARZA WEST	NH	TDCJ	ID	Male	Transfer Facility	IV	Bee	33
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GIST	BJ	TDCJ	SJD	Male	State Jail	N/A	Jefferson	35
GLOSSBRENNER	SO	TDCJ	SJD	Male	SAFPF	N/A	Duvall	36
GOODMAN	GG	TDCJ	ID	Male	Transfer Facility	I	Jasper	37
GOREE	GR	TDCJ	ID	Male	Prison	I	Walker	38
GURNEY	ND	TDCJ	ID	Male	Transfer Facility	II	Anderson	39
HALBERT	BB	TDCJ	SJD	Female	SAFPF	N/A	Burnet	40
HAVINS	TH	TDCJ	SJD	Male	SAFPF	N/A	Brown	41
HENLEY	LT	TDCJ	SJD	Female	SAFPF	N/A	Liberty	42
HIGHTOWER	HI	TDCJ	ID	Male	Prison	III	Liberty	43

Unit Name	Unit Code	Operator	TDCJ Division	Pop. Gender	Facility Type	TDCJ-ID Region	County	Page
HILLTOP	HT	TDCJ	ID	Female	Prison	II	Coryell	44
HOBBY	HB	TDCJ	ID	Female	Prison	II	Falls	45
HODGE	HD	TDCJ	ID	Male	MROP	II	Cherokee	46
HOLLIDAY	NF	TDCJ	ID	Male	Transfer Facility	I	Walker	47
HOSPITAL GALVESTON	HG	TDCJ	ID	Co-Gen	Medical	III	Galveston	48
HUGHES	AH	TDCJ	ID	Male	Prison	II	Corvell	49
HUNTSVILLE	HV	TDCJ	ID	Male	Prison	I	Walker	50
HUTCHINS	HJ	TDCJ	SJD	Male	State Jail	N/A	Dallas	51
JESTER I	J1	TDCJ	ID	Male	SAFPF	III	Fort Bend	52
JESTER III	J3	TDCJ	ID	Male	Prison	III	Fort Bend	53
JESTER IV	J4	TDCJ	ID	Male	Psychiatric	III	Fort Bend	54
JOHNSTON	JT	TDCJ	SJD	Male	SAFPF	N/A	Wood	55
JORDAN	JN	TDCJ	ID	Male	Prison	V	Gray	56
KEGANS	HM	TDCJ	SJD	Male	State Jail	N/A	Harris	57
KYLE	KY	WCC	ID	Male	Private Prison	N/A	Hays	58
LE BLANC	BA	TDCJ	ID	Male	Prison	III	Jefferson	59
LEWIS	GL	TDCJ	ID	Male	Prison	I	Tyler	60
LINDSEY	LN	WCC	SJD	Male	Private State Jail	N/A	Jack	61
LOPEZ	RL	TDCJ	SJD	Male	State Jail	N/A	Hidalgo	62
LUTHER	P2	TDCJ	ID	Male	Prison	I	Grimes	63
LYCHNER	AJ	TDCJ	SJD	Male	State Jail	N/A	Harris	64
LYNAUGH	LH	TDCJ	ID	Male	Prison	IV	Pecos	65
MCCONNELL	ML	TDCJ	ID	Male	Prison	IV	Bee	66
MICHAEL	MI	TDCJ	ID	Male	Prison	II	Anderson	67
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MURRAY	LM	TDCJ	ID	Female	Prison	II	Coryell	73
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NEY	HF	TDCJ	SJD	Male	SAFPF	N/A	Medina	75
PACK	P1	TDCJ	ID	Male	Prison	I	Grimes	76
PLANE	LJ	TDCJ	SJD	Female	State Jail	N/A	Liberty	77
POWLEDGE	B2	TDCJ	ID	Male	Prison	II	Anderson	78
RAMSEY I	R1	TDCJ	ID	Male	Prison	III	Brazoria	79
RAMSEY II	R2	TDCJ	ID	Male	Prison	III	Brazoria	80
RAMSEY III	R3	TDCJ	ID	Male	Prison	III	Brazoria	81
RETRIEVE	RV	TDCJ	ID	Male	Prison	III	Brazoria	82
ROACH	RH	TDCJ	ID	Male	Prison	V	Childress	83
ROBERTSON	RB	TDCJ	ID	Male	Prison	V	Jones	84
RUDD	RD	TDCJ	ID	Male	Transfer Facility	V	Terry	85
SANCHEZ	RZ	TDCJ	SJD	Male	State Jail	N/A	El Paso	86
SAYLE	SY	TDCJ	SJD	Male	SAFPF	N/A	Stephens	87
SEGOVIA	EN	TDCJ	ID	Male	Pre-Release Center	IV	Hidalgo	88

Unit Name	Unit Code	Operator	TDCJ Division	Pop. Gender	Facility Type	TDCJ-ID Region	County	Page
SKYVIEW	SV	TDCJ	ID	Co-Gen	Psychiatric	II	Cherokee	89
SMITH	SM	TDCJ	ID	Male	Prison	V	Dawson	90
STEVENSON	SB	TDCJ	ID	Male	Prison	IV	DeWitt	91
STILES	ST	TDCJ	ID	Male	Prison	III	Jefferson	92
TELFORD	TO	TDCJ	ID	Male	Prison	II	Bowie	93
TERRELL	TL	TDCJ	ID	Male	Prison	I	Polk	94
TEXAS CITY	GC	TDCJ	ID	Co-Gen	Medical	III	Galveston	95
TORRES	TE	TDCJ	ID	Male	Prison	IV	Medina	96
TRAVIS CO	TI	TDCJ	SJD	Co-Gen	State Jail	N/A	Travis	97
TULIA	N3	TDCJ	ID	Male	Transfer Facility	V	Swisher	98
VANCE	J2	TDCJ	ID	Male	Prison	III	Fort Bend	99
WALLACE	WL	TDCJ	ID	Male	Prison	V	Mitchell	100
WARE	DW	TDCJ	ID	Male	Transfer Facility	V	Mitchell	101
WHEELER	WR	TDCJ	SJD	Male	SAFPF	N/A	Hale	102
WILLACY CO	WI	WCC	SJD	Male	Private State Jail	N/A	Willacy	103
WOODMAN	WM	TDCJ	SJD	Female	State Jail	N/A	Coryell	104
WYNNE	WY	TDCJ	ID	Male	Prison	I	Walker	105
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CENTRAL TEXAS		WCC	PD	Co-Gen	Private ISF	N/A	Bexar	107
EL PASO		SCS	PD	Male	Private MUF	N/A	El Paso	108
LA VILLA		TMG	PD	Co-Gen	Private MUF	N/A	Hidalgo	109
LOCKHART		WCC	PD	Co-Gen	Private Work Prog	N/A	Caldwell	110
MINERAL WELLS		CCA	PD	Male	Private PPT	N/A	Parker	111
NORTH TEXAS		WCC	PD	Male	Private ISF	N/A	Tarrant	112
SOUTH TEXAS		CSC	PD	Male	Private ISF	N/A	Harris	113
WEST TEXAS		CCA	PD	Male	Private ISF	N/A	Terry	114

KEY TO OPERATOR, DIVISION, AND FACILITY TYPE

CCA - Corrections Corporation of America

CSC - Correctional Services Corporation

MTC - Management and Training Corporation

SCS - Southern Corrections Systems, Inc.

TDCJ - Texas Department of Criminal Justice

TMG - Texson Management Group, Inc.

WCC - Wackenhut Corrections Corporation

ID - Institutional Division

PD - Parole Division

SJD - State Jail Division

ISF - Intermediate Sanction Facility

MROP - Mentally Retarded Offender Program

MUF - Multi-Use Facility

PPT - Pre-Parole Transfer Facility

SAFPF - Substance Abuse Felony Punishment Facility

GUIDE TO UNIT PROFILE INFORMATION

Security Employees -

Filled positions of Correctional Officer I through Warden II, assigned to a facility as of June 30, 2000, and serving the primary function of securing the offender population.

Non-Security Employees -

Filled positions of the employees working in the other operations on or adjacent to a facility, including, but not limited to, standard unit functions, classification, access to courts, laundry and food service, operations and maintenance, agriculture, industry, transportation and supply, chaplaincy and chemical dependency counselors. Education and medical employees are counted separately. An example of operations adjacent to a facility is the Byrd Unit, where the offices of Central Region Offender Transportation and Inmate Trust Fund are located on the premises of the unit. The employees involved in these operations are included in the Non-Security Employees total. The employee count is as of

Windham/Education Employees -

Filled positions of the employees working in the education program at a facility, as of June 30, 2000. Windham School District provides the educational staff in TDCJ-operated, Institutional Division (ID) prisons and State Jail Division

Contract Medical Employees -

Filled positions of the contract employees providing medical services at a facility, as of June 30, 2000. As noted, the medical staff at some facilities are not contract employees.

Contract Treatment Employees -

Filled positions of the contract substance abuse treatment employees providing services at a facility, as of June 30, 2000. Non-contract substance abuse treatment employees are included in the Non-Security Employees total.

Total Employees -

The total of all filled positions of Security, Non-Security, Windham/Education, Contract Medical, and Contract Treatment Employees assigned to a facility as of June 30, 2000.

APPENDIX: B

**Estimated Fiscal Impact of
Report Recommendations from the Senate Criminal Justice Committee**

Charge	Recommendation	First Full Year Probable Savings/(Cost); Gains/(Losses)	Estimate Source	Comments
5	5.1 Modify necessary statutes on non-Institutional Division facilities to allow for more flexibility in accepting parole and probation violators. TDCJ should consider construction of a state constructed and operated multi-use facility with an Intermediate Sanction Facility component. Further, TDCJ should look into the feasibility of constructing a trusty camp for elderly offenders. Additionally, the definition of pre and post adjudication secure facility should be clarified to spell out the circumstances under which a juvenile may be detained in this type of facility.	200-bed multi-use facility with an intermediate sanction facility component: (\$3.9 million). 400-bed multi-use geriatric trusty camp: (\$8.1 million).	Texas Dept. of Criminal Justice	Cost estimates are for construction costs only for fiscal year 2002. No operational costs would occur until fiscal year 2003. No significant fiscal implication to units of local government is anticipated.
5	5.2 Change statutory requirements that allow for expansion of special needs parole to address Texas' growing population of elderly and sick inmates.	Not enough information at this time	Texas Dept. of Criminal Justice	Costs to implement the changes would depend on the extent of expansion and the conditions of release on special needs parole. Only in a situation where a large number of inmates received special needs parole would there be significant fiscal impact. A previous study (LBB, 1993) has indicated potential state cost savings between \$27,000 and \$31,000 per year per offender with significant medical needs. These savings are for state costs only and are independent on the Medicaid eligibility of the parolee. No significant fiscal implication to units of local government is anticipated.
5	5.3 Modify current State jail policies to allow for increased sanctions for problem inmates. (Fine inmates at sentencing and make payment of fine contingent on successful completion of state jail programming)	Not enough information at this time	Texas Dept. of Criminal Justice and LBB staff	Costs to implement additional sanctions would depend on the type and extent of sanctions used. Impact of Sanctions on length of stay could have fiscal impact. Impact to local government regarding revenues from fines would depend on level of fines assessed and amounts actually collected or waived.